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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re REFCO INC. SECURITIES LITIGATION : Case No. 07-md-1902 (GEL)  
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This Document Relates to:

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KENNETH M. KRYS and CHRISTOPHER :  
STRIDE, as JOINT OFFICIAL LIQUIDATORS :  
of SPHINX LTD., SPHINX STRATEGY FUND : Case No. 08-cv-3065 (GEL)  
LTD.; :  
SPHINX PLUS SPC LTD., SPHINX : Case No. 08-cv-3086 (GEL)  
DISTRESSED LTD., SPHINX MERGER :  
ARBITRAGE LTD.; SPHINX SPECIAL :  
SITUATIONS LTD., SPHINX MACRO LTD.; :  
SPHINX LONG/SHORT EQUITY LTD.; :  
SPHINX MANAGED FUTURES LTD.; SPHINX : **NOTICE OF MOTION**  
EQUITY MARKET NEUTRAL LTD.; SPHINX : **FOR REMAND AND/OR**  
CONVERTIBLE ARBITRAGE LTD.; SPHINX : **ABSTENTION**  
FIXED INCOME ARBITRAGE LTD.; SPHINX :  
DISTRESSED FUND SPC; SPHINX MERGER :  
ARBITRAGE FUND SPC; SPHINX SPECIAL :  
SITUATIONS FUND SPC; SPHINX MACRO :  
FUND SPC; SPHINX LONG/SHORT EQUITY :  
FUND SPC; SPHINX MANAGED FUTURES :  
FUND SPC; SPHINX EQUITY MARKET :  
NEUTRAL FUND SPC; SPHINX :  
CONVERTIBLE ARBITRAGE FUND SPC; :  
SPHINX FIXED INCOME ARBITRAGE FUND :  
SPC; PLUSFUNDS MANAGED ACCESS FUND :  
SPC LTD.; KENNETH M. KRYS and :

CHRISTOPHER STRIDE as assignees of claims  
 assigned by MIAMI CHILDREN'S HOSPITAL  
 FOUNDATION, OFI, GREEN & SMITH  
 INVESTMENT MANAGEMENT LLC, THALES  
 FUND MANAGEMENT LLC, KELLNER  
 DILEO & CO., LLC, MARTINGALE ASSET  
 MANAGEMENT LP, LONGACRE FUND  
 MANAGEMENT LLC, ARNHOLD & S.  
 BLEICHROEDER ADVISERS LLC, PICTET &  
 CIE, RGA AMERICA REINSURANCE  
 COMPANY, DEUTSCHE BANK (SUISSE) SA,  
 ARAB MONETARY FUND, HANSARD  
 INTERNATIONAL LTD., CONCORDIA  
 ADVISORS LLC, GABELLI SECURITIES, INC.,  
 CITCO GLOBAL CUSTODY; and JAMES  
 P. SINCLAIR as Trustee of the SPHINX TRUST,

Plaintiffs,

-against-

CHRISTOPHER SUGRUE; MARK  
 KAVANAGH; BRIAN OWENS;  
 PRICEWATERHOUSECOOPERS L.L.P.; MARI  
 FERRIS; PRICEWATERHOUSECOOPERS  
 CAYMAN ISLANDS; GIBSON, DUNN &  
 CRUTCHER LLP; REFCO ALTERNATIVE  
 INVESTMENTS LLC; GRANT THORNTON  
 LLP; MARK RAMLER; ERNST & YOUNG U.S.  
 LLP; MAYER BROWN LLP f/k/a MAYER  
 BROWN ROWE & MAW LLP; JOSEPH  
 COLLINS; EDWARD S. BEST; PAUL KOURY;  
 PHILLIP R. BENNETT; ROBERT C. TROSTEN;  
 TONE GRANT; SANTO MAGGIO; THOMAS  
 HACKL; DENNIS KLEJNA; BAWAG P.S.K.  
 BANK FUR ARBEIT UND WIRTSCHAFT UND  
 OSTERREICHISCHE POSTPARKASSE  
 AKTIENGESELLSCHAFT; JP MORGAN  
 CHASE & CO.; CREDIT SUISSE SECURITIES  
 (USA) LLC f/k/a CREDIT SUISSE FIRST  
 BOSTON LLC; BANC OF AMERICA  
 SECURITIES LLC; THOMAS H. LEE  
 PARTNERS, L.P.; THOMAS H. LEE  
 ADVISORS, LLC; THL MANAGERS V, LLC;  
 THL EQUITY ADVISORS V, L.P.; THOMAS H.  
 LEE EQUITY FUND V, L.P.; THOMAS H. LEE  
 PARALLEL FUND V, L.P.; THOMAS H. LEE  
 EQUITY (CAYMAN) FUND V, L.P.; THOMAS  
 H. LEE INVESTORS LIMITED PARTNERSHIP;

1997 THOMAS H. LEE NOMINEE TRUST; :  
 THOMAS H. LEE; DAVID V. HARKINS; :  
 SCOTT L. JAECKEL; SCOTT A. SCHOEN; :  
 WILLIAM T. PIGOTT; LIBERTY CORNER :  
 CAPITAL STRATEGIES, LLC; EMF :  
 FINANCIAL PRODUCTS LLC; EMF CORE :  
 FUND LTD.; DELTA FLYER FUND LLC; ERIC :  
 M. FLANAGAN; INGRAM MICRO, INC.; CIM :  
 VENTURES, INC.; BECKENHAM TRADING :  
 CO., INC.; ANDREW KRIEGER; COAST :  
 ASSET MANAGEMENT, LLC, f/k/a COAST :  
 ASSET MANAGEMENT LP; CS LAND :  
 MANAGEMENT LLC; CHRISTOPHER :  
 PETTIT; and REFCO GROUP HOLDINGS, :  
 INC.; and REFCO ASSOCIATES, INC., :  
 :  
 Defendants :  
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**PLEASE TAKE NOTICE** that, upon the annexed Declaration of David J. Molton dated April 25, 2008 (the “Molton Declaration”), and the exhibits attached thereto, the annexed Declaration of Stephen G. Crane, dated April 23, 2008 (the “Crane Declaration”), and the exhibits attached thereto, the accompanying Memorandum of Law in Support of Plaintiffs’ Motion for Remand and/or Abstention, dated April 25, 2008, and upon all of the pleadings and papers heretofore filed herein, plaintiffs Kenneth M. Kryz, et al., by and through their undersigned counsel, move this Court for remand and/or abstention.

**PLEASE TAKE FURTHER NOTICE** that, in accordance with the Scheduling Order dated April 9, 2008, all opposition papers, if any, shall be filed no later than 30 days after service of this Motion, and Plaintiffs’ reply papers shall be served no later than 14 days after the service of the last of the opposition papers to be served on Plaintiffs.

Dated: New York, New York  
April 25, 2008

Respectfully submitted,

**BROWN RUDNICK BERLACK ISRAELS LLP**

By: /s/ David J. Molton

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*Co-Counsel for Plaintiffs*